

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-00082-01

CHRISTOPHER TYLER

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion to amend or clarify judgment. See ECF No. 67. In that motion, defendant moves the court "to amend or correct judgment and statement of reasons, pursuant to Federal Rule[] of Criminal Procedure 36." Id. at 1. Federal Rule of Criminal Procedure 36 allows a district court "to correct a clerical error in a judgment, order, or other part of the record. . . ." According to Tyler, the BOP is improperly denying him good time credits under the First Step Act based upon the BOP's misinterpretation of Tyler's sentencing documents. Tyler maintains that "[a]n amended judgment or clarification would provide the FBOP unambiguous instruction how to enforce the court's judgments and Statement of Reasons." ECF No. 67 at 3.

The court has reviewed defendant's sentencing documents and concludes that there is no clerical error or omission to correct. For this reason, the court is unable to grant the

requested relief and defendant's motion is **DENIED**. If Tyler believes that the BOP is wrongfully calculating his sentence by failing to give him time credits to which he is entitled, he should file a motion under 28 U.S.C. § 2241. See United States v. Little, 392 F.3d 671, 679 (4th Cir. 2004) (A "request for sentencing credit is properly brought under § 2241[.]").

The Clerk is **DIRECTED** to send a copy of this Memorandum Opinion and Order to defendant, counsel of record, and the United States Probation Office.

IT IS SO ORDERED this 30th day of December, 2024.

ENTER:

David A. Faber

David A. Faber
Senior United States District Judge